IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 1681 of 2004(A)

PETITIONER:

P.GANGADHARAN, JUNIOR CLERK, EDANAD
KANNUR SERVICE CO-OPERATIVE BANK, EDANAD P.O.,
VIA-KUMBALA, KASARAGOD.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, CO-OPERATION DEPARTMENT, TRIVANDRUM.**

2. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) KASARAGOD.**

3. **EDANAD KANUR SERVICE CO-OPERATIVE BANK LIMITED, P.O. EDANAD, VIA. KUMBALA, KASARAGOD, REPRESENTED BY ITS PRESIDENT.**

BY ADV. SRI.K.SHRIHARI RAO
SRI.P.N.ANOOP
BY GOVERNMENT PLEADER SRI.MANOJ KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C NO.1681/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.CB(3) 49593/96 DT.13.3.1997.

EXT.P2:- COPY OF THE LETTER NO.CRP/5576/97 DT.1.10.97.

EXT.P3:- COPY OF THE LETTER NOP.CB-53/16178/01 DT.18.9.01.

EXT.P4:- COPY OF THE PETITION FILED BEFORE THE PRESIDENT BY THE PETITIONER DT.15.1.02.

EXT.P5:- COPY OF THE PROCEEDINGS OF THE PRESIDENT OF THE BANK DT.16.4.02.

EXT.P6:- COPY OF THE PROCEEDINGS NO.CRP-1558/02/K.DIS. DT.10.7.02.

EXT.P7:- COPY OF THE REPLY FILED BY THE PETITIONER BEFORE THE GOVERNMENT 16.10.02.

EXT.P8:- COPY OF THE ORDER NO.GO(Rt) 519/03 /CO-OP. DT.5.9.03.

EXT.P9:- COPY OF THE JUDGMENT IN WA.NO.3693/01 DT.21.3.03 OF THIS HON'BLE COURT.

/TRUE COPY/

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KURIAN JOSEPH, J.

W.P.(C) No.1681 of 2004

Dated 28th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "To call for the records leading to Ext.P8 and quash the same by the issuance of a writ of certiorari or any other writ, direction or order;
>
> (ii) To grant a declaration that the period from 23.1.1995 to 31.10.1997 has to be treated as leave on loss of pay and he is liable to be granted all service benefits including continuity of service."

Petitioner prays for an opportunity to approach the Government for reconsideration of Ext.P8 in the light of Ext.P9 judgment. It is seen that while passing Ext.P8 order, the Government had no opportunity to refer to Ext.P9 judgment. Therefore, it is only appropriate that the petitioner is given an opportunity to approach the Government. In the event of the petitioner approaching the Government within one month from today, the matter will be duly examined by the Government in the light of Ext.P9 judgment, with notice to the petitioner and respondent bank and appropriate orders in accordance with law thereon will

be passed within another four months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.